

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DONALD DACE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:07CV239 RWS
	)	
JOSEPH BARTHOLOMEW, et al.,	)	
	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before me on plaintiffs' motion for leave to file a second supplemental exhibit list and plaintiffs' objection to defendant's exhibit list.

Plaintiffs first claim that their objections are timely filed because they are filed at least ten days before trial in compliance with the case management order.

Plaintiffs are wrong. The case management order measured all pretrial deadlines from the first trial date, which has now been moved to November 10, 2008. The order moving the trial date did not grant the parties leave to file additional pretrial materials. The deadline to file pretrial materials, and objections thereto, has expired. Therefore, I will summarily overrule plaintiffs' objections to defendants' exhibit list.

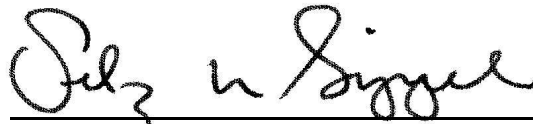
For this reason, I am also denying the motion to file a supplemental exhibit



list. Plaintiffs offer no explanation for why these exhibits are being offered out of time, and their motion implies that at least one of these exhibits may not have even been previously disclosed to defendant.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' objections to defendant's exhibit list [#193] are overruled, and plaintiffs' motion for leave to file supplemental exhibit list [#194] is denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of November, 2008.